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**SUPREME COURT OF THE UNITED STATES**

**OCTOBER TERM, 1944**

**No. 570**

**EDWARD A. HUNT AND ROBERT A. HUNT, Co-part-  
ners Trading as HUNT'S MOTOR FREIGHT AND FOOD PROD-  
UCTS TRANSPORT,** *Petitioners,*

*vs.*

**EDWARD CRUMBOCH, President; JOSEPH E. GRACE,  
Secretary-Treasurer; WILLIAM F. KELLEHER, In-  
ternational Vice-President, Business Agent and Trus-  
tees, et al.**

**ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT  
OF APPEALS FOR THE THIRD CIRCUIT**

**REPLY BRIEF OF PETITIONERS**

**HIRSH W. STALBERG,  
PETER P. ZION,**  
*Counsel for Petitioners.*



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UCTS TRANSPORT,** *Petitioners,*

*vs.*

**EDWARD CRUMBOCH, PRESIDENT; JOSEPH E. GRACE,  
SECRETARY-TREASURER; WILLIAM F. KELLEHER, IN-  
TERNATIONAL VICE-PRESIDENT, BUSINESS AGENT AND TRUS-  
TEE; JOHN FISHER, BUSINESS AGENT AND TRUSTEE;  
PAUL PESSANO, DAVID DAVIS, J. J. MURPHY,  
JOSEPH BILLINGTON, AND CHARLES BERWICK,  
TRUSTEES; RAYMOND COHEN, BUSINESS AGENT, AND  
R. J. KELLY, BUSINESS REPRESENTATIVE AND RECORDING  
SECRETARY OF THE BROTHERHOOD OF TEAMSTERS, CHAUF-  
FEUR, STABLEMEN AND HELPERS OF AMERICA, AND ALL  
PERSONS FORMING THE TOTAL MEMBERSHIP OF THE SAID  
BROTHERHOOD OF TRANSPORTATION WORK-  
ERS, LOCAL 107, INTERNATIONAL BROTHER-  
HOOD OF TEAMSTERS, CHAUFFEURS, STABLE-  
MEN AND HELPERS OF AMERICA, AND EDWARD  
CRUMBOCH, WILLIAM F. KELLEHER, JOHN  
FISHER, JOSEPH BILLINGTON AND RAYMOND  
COHEN, INDIVIDUALLY**

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**REPLY BRIEF OF PETITIONERS**

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**Foreword**

While this is entitled Reply Brief of Petitioners, its con-  
tents will be limited to answering certain factual assertions  
in the Respondents' Brief. No attempt will be made here

to discuss any legal proposition raised by the Respondents. Petitioners feel that in their original brief all such legal issues have been covered.

### **Statement in Reply**

Respondents state (P. 2, Respondents' Brief):

"There is no proof to support petitioners' statement (P. 3) that 'other contract haulers' attempted to operate their trucks during the union strike against the A & P."

However, respondents concede (P. 6) that: "All the contractors had opposed the union . . ." and had fought it (during the strike).

Moreover, the testimony taken at the trial establishes the fact that the other contract haulers involved had also attempted to operate their trucks during the strike. Respondents have not previously contraverted this assertion. Accordingly, the complete testimony relating thereto was not printed in the Appendix filed in the Circuit Court and brought into the Record here. \*

Support for the assertion appears not only by the said concession of the respondents, but also the Record (R. 38, 39) discloses that under date of July 15, 1937 all the contract haulers involved, similarly situated as the petitioners, were invited to enter into contracts with the union and that under date of July 21, 1937 all such contract haulers similarly declined that invitation.

(Nothing in the proofs in this case supports respondents' statement that petitioners had resorted to excessively antagonistic practices.)

Respondents argue, in their "Counter Statement of Essential Facts" that the evidence gives rise to a fair implication that the union declined to contract with the petitioners because of the belief that the affairs of the union might become disorganized if persons of the character of



petitioners were recognized as proper union associates. Respondents fail to refer to any evidence in the record from which such implication might arise, and there is no such evidence.

Respondents argue, P. 2 of their brief, that there is no proof of any conspiracy in the record.

This is erroneous. The record is replete with proofs of a conspiracy. We respectfully refer this Court to Petitioners' Brief, 25-27 (*passim*); and to the Record, P. 37, where the following colloquy appears in the examination of the respondent Crumboch:

Q. Did you ever talk with the other delegates about Hunt?

A. I did.

Q. And they all agreed with you?

A. Yes, sir.

Respondents assert, P. 3 of their brief, that the evidence does not show that the contract between petitioners and A. & P. was *breached*. This is a strange position to take.

The Record shows, P. 21, that petitioners had a written contract for hauling with A. & P. which did not expire until March 10, 1939; that (R. 21, 22, 29-30) on February 4, 1939 the union forced A. & P. to discontinue petitioners' services and ultimately at a later date to give them formal notice of the termination of the written contract.

Moreover, the existence of the conspiracy was implicit in the language of the Opinions of the court below and the Trial Judge.

Respectfully submitted,

HIRSH W. STALBERG,

PETER P. ZION,

*Attorneys for Petitioner.*